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not a new judgment in the sense that it releases land from a lien, simply because the *scire facias* is sued out against the defendant alone and does not include several alienees. *Furst v. Overdeer*, *supra*.

MARRIAGE—EFFECT OF PROHIBITION IN FOREIGN DIVORCE DECREE.—Plaintiff was divorced in Vermont where the statute (P. S. 3110, Vt.) provides that the libelee in a divorce proceeding shall not remarry within three years. Within the prohibited period she remarried in Missouri and now sues in Vermont upon a policy of insurance upon the life of her second husband. The policy contained a provision making it necessary for the plaintiff to be the lawful wife of the insured to maintain an action thereon. *Held*, that the plaintiff could recover. *Patterson's Admr. v. Modern Woodmen of America*, (Vt. 1915), 95 Atl. 692.

There is a wide division of opinion in the authorities as to whether a marriage when contracted under the above circumstances will be valid in the state where the divorce is granted. *MINOR, CONFLICT OF LAWS*, § 74. *Putnam v. Putnam*, 8 Pick. 433; *Inhabitants of West Cambridge v. Lexington*, 1 Pick 506; *Ponsford v. Johnson*, 2 Blatchford (U. S. C. C.) 51; *State v. Shattuck*, 69 Vt. 403; *State v. Richardson*, 72 Vt. 49; *Van Voorhis v. Brintnall*, 86 N. Y. 18; *Thorp v. Thorp*, 90 N. Y. 602; *Moore v. Hegeman* 92 N. Y. 521; *In Re Estate of Wood*, 137 Cal. 129, take the same view as the principal case. Of a contrary opinion are *Williams v. Oates*, 5 Iredell Law (N. C.) 535; *Pennegar & Haney v. State*, 87 Tenn. 244; *Lanham v. Lanham*, 136 Wis. 360; *Wilson v. Cook*, 256 Ill. 460; *Estate of Stull*, 183 Pa. St. 625; *McLennan v. McLennan*, 31 Ore. 480, 50 Pac. 802, 38 L. R. A. 863. The divergence of opinion is due to the interpretation of the statute. Those courts following the doctrine of the principal case consider that the prohibition of the statute is in the nature of a penalty. *State v. Shattuck*, *supra*. The courts reaching the opposite conclusion hold that the provision of the statute is a part of the public policy of the state. *Wilson v. Cook*, *supra*; 11 MICH. LAW REV., 406; 13 Id. 592.

MUNICIPAL CORPORATIONS—NEGLIGENCE IN CONSTRUCTION OF DITCH.—Defendant city constructed a ditch, which was a part of its drainage system, through the plaintiff's premises. In a time of heavy rainfall, the ditch was insufficient for the free passage of the water, which overflowed the banks of the ditch. The plaintiff alleged that he suffered damage by reason of the negligent construction of the ditch and a failure to repair the same after the city had notice of the defective condition. A demurrer was filed in which it was claimed that there was no duty to repair the ditch, that no negligence was shown in the construction, and that the injury complained of was outside the corporate limits and ultra vires. *Held*, that the demurrer was properly overruled and that the municipality, having authority under the CODE § 1303 to construct a ditch outside as well as within the corporate limits, was liable for its negligence in the construction and maintenance of the same. *City of Montgomery v. Stephens* (Ala. 1915), 69 So. 970.